

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 2, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman
Bob Workman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Diane Staab, Deputy County Attorney
Bruce Medcalf, Lancaster County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 23, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Workman moved and Hudkins seconded approval of the minutes of February 23, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 64 additions and deductions to the tax assessment rolls per Exhibit A. (1999333) (1999334)

MOTION: Steinman moved and Heier seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

CenterPointe, Inc. (2 exemptions)
Seventh-Day Adventist Schools of Lincoln

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, March 16, 1999 at 2:30 p.m. in the Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for The 3 Amigos Properties LLC.

At the direction of the Chair, the public hearing was set for Tuesday, March 16, 1999 at 2:30 p.m.

5) **ADJOURNMENT:**

MOTION: Workman moved and Steinman seconded adjournment. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk

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Others Present: Kerry Eagan, Chief Administrative Officer
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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 23, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded approval of the minutes of February 23, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, March 2, 1999.

MOTION: Steinman moved and Heier seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **ITEMS OF PUBLIC PARTICIPATION:**

The County-City Volunteer of the Month Award was presented to David Cygan for his services with the Health Department.

- 4) **PUBLIC HEARINGS:**

- A. County Special Permit 162, Meadow View Community Unit Plan, requested by Lyle Loth of ESP on behalf of Hub Hall Real Estate, consisting of 61 residential acreage lots and three outlots, on property located at the southeast corner of Southwest 84th and West Van Dorn Streets in Lancaster County, Nebraska. (1999247) (1999343).

Kathy Campbell, Chair, opened the public hearing.

Hub Hall, applicant, appeared and indicated the proposal is for a 160 acre tract which will be divided into 61 lots each 1-acre in size. Also included will be a 22-acre wilderness park, almost an 8-acre lake and each residence will have an individual well. Hall reported he is planning to develop the subdivision as close to the city as he can with the amenities provided. Hall indicated he will provide asphalt hard surfaced streets, a sanitary sewer system for each of the lots, drill a well for each lot and provide street lights.

Hall stated Vincent Dreeszen, Groundwater Consultant, submitted a groundwater report regarding the Meadow View development, which is located over the Dakota Sandstone Aquifer and is a major groundwater reservoir. Hall reported the total storage is about 200,000 acre feet or about 75 trillion gallons of water, which is relatively meaningless except to demonstrate the tremendous volume of water involved. Hall also indicated the total amount of groundwater withdrawal to be expected in a fully developed Meadow View Community Plan is quite small and he believed that wells in the Meadow View development will not have measurable impact on other wells in the area in terms of water quantity available to them in either the short term or long term.

The Chair asked if anyone wished to testify in favor of the application.

No one appeared to testify.

The Chair asked if anyone wished to testify in opposition of the application.

Merv Goodrick, 3305 SW 84th Street, appeared and referred to the declaration and signatures by owners of neighboring properties testifying in opposition, which was included in the packet, and also stated his concerns about invading the rural area and lifestyle. Goodrick noted that residences in Meadow View already have water problems and in the last few years he has had people come out to try and get the smell and color out of the water but it only lasts for a short time. Goodrick also indicated he likes the rural surroundings and he's opposed to having street lights, paved streets and the city right across the street. He also noted his concerns regarding the lagoon system and it being close to his front door.

Workman asked Goodrick if the water problem is because of a high iron content.

Goodrick indicated iron is part of the problem that causes the water discoloration.

Workman asked if Goodrick has had any other filtering systems installed.

Goodrick reported he has replaced the filtering system twice in the past two years. The first replacement was a new water softener and the second was a different type of water softener.

Dave Tyser, 2101 SW 98th Street, appeared and testified in opposition because he is concerned about the water and sewage disposal. Tyser indicated the water is there, but there is very little usable water in the reservoir. He indicated a lot of problems don't show up until the landowner has been there and been using the well for awhile and because of poor water quality reasons and the contamination possibility from the lagoon he urged the Board to vote against the high density proposal.

Workman asked Tyser if he had any problems with his well.

Tyser indicated he has been through 4 different wells. He stated the 1st well was replaced because of clay problems, the 2nd because of odor and sulphur, the 3rd needed a new sand pump and now he is on his 4th well.

George Lutzi, 8600 Buckboard Road, appeared and testified in opposition indicating that when the first proposal came out a person could develop on 5.5 acres and now he has 21 acres. Lutzi indicated he is on his 2nd water softener and has gone to a reversed osmosis machine because the water is not drinkable as it comes out of the well. He also stated most of his neighbors have lagoons, but he has a septic system.

Richard Halvorsen, 6311 Inverness Road, appeared and voiced his opinions regarding Special Permit No. 162.

The Chair asked for any neutral testimony.

Mike DeKalb, Planning, appeared and indicated the proposal is a community unit plan, which allows clustering and transferring of density from within the area and in order to get smaller lots with the cluster, they are proposing a community lagoon so they do not have separation requirements.

DeKalb indicated the Health Department had some concern regarding the ground water, but the water report indicates there is an adequate amount of potable water serving the subdivision and the proposed sewer lagoon is out of the flood plain. DeKalb also reported the Special Permit required a request which he received from the developer to put in a dry hydrant around the area so that the rural fire district and firefighters will have access to. The developer also agreed, because of some concerns regarding ground water, to put a requirement in the covenants requiring that at least 75% of the lawn area be planted to a drought resistant grass species.

Kerry Eagan, Chief Administrative Officer, appeared and stated there is a municipal ordinance in the City of Lincoln that prohibits inoperative motor vehicles that aren't registered and running being parked, which is a criminal offense.

Hall said he would work with the Planning Department to add some language to the covenants regarding junk cars.

Campbell suggested to Kerry Eagan to write a letter to the Planning Department, with the County Attorney's help, regarding the junk car policy so that applicants are aware of the ordinance prior to the public hearing.

Campbell asked DeKalb about the County Engineer's request to not approve Preliminary Plat 98025 until the flood plain hydraulics have been done.

DeKalb indicated the flood plain hydraulics have been received and he recommended to the Board to approve the permit with conditions agreed upon regarding the dry hydrant and the 75% grass and let the record show that covenants will be added to control the parking of unlicensed vehicles.

Campbell closed the public hearing.

MOTION: Steinman moved and Heier seconded approval of County Special Permit 162 with conditions outlined in the permit and adding the inoperative vehicle clause. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- B. Preliminary Plat 98025, Meadow View, requested by Lyle Loth of ESP on behalf of Hub Hall Real Estate, consisting of 61 residential acreage lots and three outlots, on property located at the southeast corner of Southwest 84th and West Van Dorn Streets in Lancaster County, Nebraska. (1999248) (1999342)

MOTION: Steinman moved and Hudkins seconded approval of Preliminary Plat 98025. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution amending program resolution number 99-37 with the State of Nebraska, Department of Roads to include preliminary engineering, at an additional estimated cost of \$35,000, for a project located on North 141st Street. (Project BRO-7055(100), Waverly North; County Structure A-76) (1999350)

Don Thomas, County Engineer, appeared and indicated the original contracts were signed a month ago and now he received approval from the Department of Roads to receive federal reimbursement for preliminary engineering. Thomas reported in the past counties used to be eligible to use federal aid to design a job and then build it. Now Lancaster County has to front the costs, but once the project is built the county would be reimbursed for the preliminary engineering costs.

MOTION: Steinman moved and Heier seconded approval of resolution number 99-37. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- B. A resolution amending program resolution number 99-38 with the State of Nebraska, Department of Roads to include preliminary engineering, at an additional estimated cost of \$25,000, for a project located near Southwest 2nd Street and West Denton Road. (Project BRO-7055(100), Denton East; County Structure O-209) (1999348)

MOTION: Steinman moved and Heier seconded approval of resolution 99-38. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- C. A resolution amending program resolution number 99-39 with the State of Nebraska, Department of Roads to include preliminary engineering, at an additional estimated cost of \$35,000, for a project located near Raymond Road and North 1st Street. (Project BR-3370(2), Raymond East; County Structure C-91) (1999349)

MOTION: Workman moved and Hudkins seconded approval of resolution number 99-39. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

- D. Recommendation from the Purchasing Agent to award a bid off of a state contract to Lincoln Dodge, in the amount of \$19,942.60, for a mini-van for the Community Mental Health Center. (1999325)

MOTION: Hudkins moved and Steinman seconded approval.

Workman indicated he noticed the vehicle is an all wheel drive vehicle that is costing the county an extra \$2,800 and he questioned if the vehicle needed all wheel drive.

Kathy Smith, Purchasing, appeared and stated the request covers the base price of the vehicle at \$18,807.60 for the front wheel drive unit and they are adding the special heavy duty suspension for \$111 and the rear heating and air conditioning for \$1,024. She indicated the request does not include all wheel drive.

ROLL CALL: On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

- E. Recommendation from the Purchasing Agent and the County Engineer to award a bid for grading and culvert construction to L J Webb Contractor, in the amount of \$331,692.16 for Group 4 (culverts), and to Hartman Construction Company, in the amount of \$247,279.72, for Group 1 (grading) at various locations within the County. (1999352)

MOTION: Hudkins moved and Workman seconded approval. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- F. Termination of Uniform Commercial Code filings in relation to BJK Industries, Inc. Project, Industrial Development Bond, Series 1978. (1999329)

Diane Staab, Deputy County Attorney, appeared and indicated Lancaster County and National Bank of Commerce are both secured parties on the Industrial Development Bond and BJK Industries has asked the county to sign the termination because the bond has been paid.

MOTION: Steinman moved and Heier seconded approval. On call Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

- J. A letter to Ameritas Life Insurance Corporation directing a complete payout of pension funds transferring those funds to Bank One of Columbus, Ohio for investment through Public Employees Benefit Services Corporation (PEBSCO). (1999344)
- G. A letter to Public Employees Benefit Services Corporation (PEBSCO) directing the investment of pension funds be transferred from Ameritas. (1999353)

Eagan appeared and indicated the county put the money into the money market for a period of up to six months. Eagan reported he would have PEBSCO contact employees who have funds at Ameritas to allow them six months to direct how the investments will be done. If the investment payment plan isn't complete after six months, the money is transferred into a fixed account which has restrictions regarding how much money a person can move, which is only 20% a year. Eagan noted the county wants to give people the opportunity to move the money before it is put into the fixed account where they would have less control of it.

MOTION: Steinman moved and Heier seconded approval. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- H. A political subdivision tort claim filed against the Corrections Department by Pamela Moore, in the amount of \$27.50, for damaged property. (1999341)

MOTION: Steinman moved and Heier seconded to accept the director's recommendation and deny the tort claim filed by Pamela Moore. On call Steinman, Heier, Campbell and Hudkins voted aye. Workman voted nay. Motion carried.

- I. Settlement of a claim filed by Melvina Irving, guardian for William Irving, in the amount of \$250.

MOTION: Steinman moved and Workman seconded approval. On call Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business before the Lancaster County Board of Commissioners which have been previously supplied to each Commissioner in writing, which are relatively routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A. An agreement with Solutions for copy services and supplies for the County Assessor's office, in the amount of \$375 per month, for an 18 month period. (1999335)

- B. Two maintenance agreements with Microfilm Imaging Systems for equipment, in the total amount of \$1,352, for Records and Information Management. (1999323)
- C. An addendum to a contract between Perfect Cup Vending and the Corrections Department increasing the price of cigarettes to \$3.50 per pack. (1999322)
- D. Contracts with the following relating to road improvements:
 - * Richard, Marilyn A, Gregory and Linda Sattler at Southwest 56th Street and West Yankee Hill Road. This is a land donation. (1999336)
 - * William R Wessel at South 96th Street and Wittstruck Road. This is a land donation. (1999337)
 - * Dale R and Lynette M Nelson on West Fletcher Avenue near Northwest 112th Street, in the amount of \$8,224.85. (1999347)

MOTION: Steinman moved and Hudkins seconded approval of the Consent Items. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

10) **ADJOURNMENT:**

MOTION: Steinman moved and Workman seconded adjournment. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk